

I. Terms of Reference

The following is presented as a provisional approach for feedback from the Oceans Advisory Commission.

The Plan

The Oceans Act of 2008 requires a final promulgated plan by December 31, 2009 and a draft plan for public hearings and legislative review six months before (July 1, 2009). The Act directs the Secretary to develop a plan that will:

- Set forth the Commonwealth's goals, siting priorities, and standards for proper stewardship of its ocean waters held in trust for the benefit of the public;
- Coordinate uses that include international, federal, state and local jurisdictions;
- Foster sustainable uses that capitalize on economic opportunity without significant detriment to the ecology or natural beauty of the ocean; and
- Identify appropriate locations and performance standards for activities, uses, and facilities allowed under Sections 15 and 16 of Chapter 132A (statutory provisions that authorize a wide variety of ocean-based activities).

The planning process will develop and integrate public input, data, and planning tools as the basis for developing a framework that will manage the allocation of, and management of interactions among, ocean interests, as an overlay on existing regulatory and management programs.

Given the short schedule and currently available data, EEA envisions that the Plan will have two main components, which will be developed subject to input from the Ocean Advisory Commission, Science Advisory Council, public, work groups, and stakeholders:

- 1) a framework plan with a spatial component and defined implementation /management measures; and
- 2) a defined planning, science, and policy process for ongoing, dynamic plan evolution.

Plan Area

The Oceans Act defines the planning area as including any waters and submerged between the Commonwealth's seaward boundary and the nearshore boundary. The nearshore boundary was created by merging a line buffered 0.3 nautical miles from an approximate mean high water shoreline with closing lines digitized manually to ensure that most developed coastal embayments, ports, harbors, etc. are not included in the planning area. See map of planning area.

Plan Principles

The Oceans Act outlines a number of objectives that the Plan must be responsive to. These Plan principles—in other words, the vision for the plan and what the plan should do—will be the subject of much of the work through the fall of 2008, and will be refined to incorporate input from the OAC, Science Advisory Council, public comment, work groups, and stakeholders. These Plan principles are critical to the

plan because they will be used to help analyze the conceptual plan framework—and the plan itself, once drafted—to ensure that the plan is responsive to the Oceans Act and meets the needs of the citizens of the Commonwealth.

The Oceans Act lays out the foundation for the plan principles, by stating that the plan shall:

1. set forth the commonwealth's goals, siting priorities and standards for ensuring effective stewardship of its ocean waters held in trust for the benefit of the public;
2. adhere to sound management practices, taking into account the existing natural, social, cultural, historic and economic characteristics of the planning areas;
3. preserve and protect the public trust;
4. reflect the importance of the waters of the commonwealth to its citizens who derive livelihoods and recreational benefits from fishing;
5. value biodiversity and ecosystem health;
6. identify and protect special, sensitive or unique estuarine and marine life and habitats;
7. address climate change and sea-level rise;
8. respect the interdependence of ecosystems;
9. coordinate uses that include international, federal, state and local jurisdictions;
10. foster sustainable uses that capitalize on economic opportunity without significant detriment to the ecology or natural beauty of the ocean;
11. preserve and enhance public access;
12. support the infrastructure necessary to sustain the economy and quality of life for the citizens of the commonwealth;
13. encourage public participation in decision-making;
14. adapt to evolving knowledge and understanding of the ocean environment; and
15. identify appropriate locations and performance standards for activities, uses and facilities allowed under sections 15 and 16 of chapter 132A.

We have also included in the package a copy of the principles developed by the Ocean Management Task Force.

As stated above, one of the main work tasks in the fall of 2008 will be to further refine these principles into statements with sufficient specificity to help inform the development of the plan's spatial component and defined implementation /management measures. In other words, the refinement of these principles will serve as a bridge between the vision for the plan as expressed in the Oceans Act and the specific measures in the plan itself. Public comment and input from the OAC, Science Advisory Council, work groups, and stakeholders will inform the refinement of these principles.

Executive Office of Energy and Environmental Affairs (EEA)

EEA is responsible for developing the ocean plan and managing all components of the planning process. Ocean planning will be managed by a planning team w/in EEA as augmented by CZM and other agency resources as needed.

EEA Interagency Coordinating Committee

EEA, DMF, DEP, CZM, DCR, NHESP will serve on an ad hoc basis as a discussion, conflict resolution, and general, senior-management level sounding board.

EEA Planning Team

Deerin, John Weber, Ocean Services Analyst (candidates currently under review), Bruce Carlisle, and Dan Sampson (for management of CZM resources and data management and analysis, respectively) will be the core planning team.

EEA Data Team

Dan Sampson, Bruce Carlisle, MASSGIS, CZM marine spatial planner.

Oceans Advisory Commission

The OAC will meet approximately quarterly and will have four primary areas of responsibility:

- Coordinate development of plan principles.
- Review and provide feedback on the results of public input processes.
- Review and provide feedback on the plan framework alternatives—the conceptual basis of the plan—to help ensure that public input is incorporated appropriately and that identified plan principles are appropriately addressed.
- Once the plan framework is populated by the data and analysis necessary to develop the plan itself, review the plan to help insure that public input is incorporated appropriately and that identified plan principles are incorporated.

Specific issues EEA will ask the OAC for feedback on include but are not limited to:

1. Proposed planning process
2. Public input process
3. Level of detail of the first plan
4. How to have OAC work informed by science advisory committee output

EEA will also ask OAC members to participate in a regional public meeting(s) convenient to them. EEA will staff the OAC.

Science Advisory Council

The SAC will review the workgroups' data for completeness, identify additional existing data sources, identify 'big picture' questions the ocean plan should address over time and the data needed to do so, review the baseline data characterization, and review the plan principles. The SAC will review the adequacy of baseline data to support management recommendations of the immediate plan and the responsiveness of the long-term research plan to identified "big-picture" questions. The SAC will participate in the review of plan framework alternatives and provide feedback on the scientific adequacy and evaluate of the plan framework. The SAC will also evaluate plan scenario alternatives for the degree to which the alternatives best advance a scientific foundation for the plan, in part based on a weighing of data precision and accuracy that is available in MA with the management measures incorporated in the scenarios. EEA will staff the SAC.

MA Ocean Partnership

EEA and MOP will execute an MOU that defines a collaborative relationship by which MOP will provide technical support for discrete tasks associated with the planning process, organized under three main headings: 1) public and stakeholder input; 2) data management; and 3) planning analysis. The MOU will articulate how MOP will provide support to EEA's planning process while emphasizing that each organization will be responsive to its mandate (MOP to its Charter; EEA to the Oceans Act) and nature (MOP unincorporated public/private partnership w/ funding from Moore Foundation; EEA government agency).

Work groups

Agency work groups have begun the task of cataloging, synthesizing, and analyzing existing data related to ocean resources, and incorporating results of this work into the Massachusetts Ocean Resource Information System (MORIS), a geographic information system managed by CZM. Work groups will soon be expanded to include appropriate representatives from outside of state agencies who will assist in ensuring that data is up-to-date and analysis is scientifically and technically accurate. Work groups are organized around the following subject areas: habitat, transportation and infrastructure, renewable energy, sediment management, fishing (which includes commercial and recreational fishing, as well as fisheries resources), and cultural and recreational uses. Work groups are also identifying the existing regulatory framework for their issue areas to help inform the development of the plan framework and implementation.

II. Plan Development

The ocean planning process will include the integration of three main components: 1) statements of MA ocean principles (what we want the plan to do) based on broad-based public input; 2) characterization of the environmental, social and economic attributes of the ocean environment (existing and needed data); and 3) development of a plan framework that is responsive to the ocean principles and ocean characterization.

As described above in the Terms of Reference, the process will produce two products: 1) framework plan with a spatial component and defined implementation /management measures; and 2) defined planning, science, and policy process for ongoing, dynamic plan evolution.

To achieve this task in the timeframe set out by the Oceans Act, three main phases are envisioned (the timelines included are subject to change):

Phase 1: July 2008 – January 2009: public input, information gathering, development of planning tools and conceptual framework

- Workgroups will serve as the technical core of Phase 1, gathering data and generating working maps;
- Public meetings statewide, and intensively along the coast, will collect feedback, with a specific focus on identification of plan principles;
- The Ocean Advisory Commission (OAC) will be closely involved in developing the planning principles and review key milestone products; the Science Advisory Council (SAC) will review baseline data characterizations, identify ongoing data needs, provide feedback on the planning principles, and review key milestone products;
- Ocean planning models will be analyzed and options for consideration in MA presented for review.

Workgroups

Agency workgroups will identify existing data, provide to MASSGIS as MORIS (Massachusetts Ocean Resource Information System), and identify work needed to process non-MORIS compatible data. Agencies will use a consistent MORIS basemap and begin to analyze data and identify data not currently available but necessary and/or desirable for incorporation into the plan.

Following an initial draft at developing their analyses and data needs, the workgroups will be expanded to include a cross-section of interests affiliated with the workgroup subject matter. Agency data will be reviewed for completeness and accuracy. New and revised data will be transferred into MORIS.

Public meetings

Public meetings statewide, and intensively along the coast, will collect feedback that will be catalogued and analyzed. Public comment will be integrated in the development of planning principles. In addition to a broad-based public input process, EEA will be developing mechanisms to allow for more focused, in-depth public input as necessary. EEA will encourage and solicit comment through such means as meetings, e-mail, dedicated web pages, and newsletters.

Ocean Advisory Commission/Science Advisory Council

At its 1st meeting, the OAC will begin considering planning principles that will guide plan development. OAC members will participate in one or more public meetings. At its 2nd meeting, tentatively scheduled for November 2008, the OAC will review planning principles that integrate the results of public input, workgroup/stakeholder issues, and the imperatives of the Oceans Act.

At its 1st meeting, the SAC will review the workgroups; data for completeness, identify additional existing data sources, identify 'big picture' questions the ocean plan should address over time and the data needed to do so. At its 2nd meeting, the SAC will review the baseline data characterization and review plan principles.

Review of Planning Alternatives

All relevant models will be analyzed for their utility in MA. Such analyses will incorporate metrics such as: the imperatives of the act, existing data, public comment, and stakeholder issues (collectively, the principles).

Phase 1 Products

All relevant data into MORIS; working environmental, social and economic characterization of ocean uses/resources; planning principles; plan framework and development tools specific to MA.

Phase 2 February 2009- April 2009: application of planning tools and review of outcomes

- Planning analysis
- Evaluate alternative planning scenarios w/workgroups
- Review with OAC and SAC

Planning analysis

Apply data to plan framework, develop alternative planning scenarios (different versions of what spatial/management plans look like depending on how uses/resources are weighted w/in the plan

framework). With the SAC, evaluate plan scenario alternatives for the degree to which the alternatives best advance a scientific foundation for the plan, in part based on a weighing of data precision and accuracy that is available in MA with the management measures incorporated in the scenarios. This scenario evaluation (with input from the SAC) also will help identify the measures that will be incorporated into the plan to set out the defined planning, science, and policy process for ongoing, dynamic plan evolution. Based on workgroup and OAC/SAC review feedback, select a preferred scenario for incorporation into the draft plan.

OAC/SAC review

Present alternative planning scenarios for review and feedback from OAC (utility of plan in addressing principles) and SAC (adequacy of baseline to support management recommendations) at the 3rd meetings of these groups.

Phase 2 Products

Draft recommended plan, including draft management measures for its implementation, for presentation to public, OAC, SAC.

Phase 3 May 2009 – June 2009: public, OAC, SAC review of draft plan

- Present plan to public, OAC and SAC
- Revise
- Finalize

Regional public meetings

Present results of planning process to regional public meetings for discussion and feedback.

OAC/SAC

Present results of planning process to OAC (consistency with principles and sign-off) and SAC (adequacy of science for immediate plan, responsiveness of scope for long-term plan to necessary questions) at the 4th meetings of these groups.

Finalize plan in response to comments and present to legislature for review

Phase 3 Products

Revised recommended plan that contains:

1) framework plan with a spatial component and defined implementation /management measures; and

2) defined planning, science, and policy process for ongoing, dynamic plan evolution

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